

605 KAR 1:060. Temporary off-site sale or display event.

RELATES TO: KRS 186A.220(5), 190.030(7), (11), 190.035, 190.047

STATUTORY AUTHORITY: KRS 190.020, 190.030(1), 190.073

NECESSITY, FUNCTION, AND CONFORMITY: KRS 190.030(7) requires a motor vehicle dealer to restrict the sale or display of motor vehicles to the location of the dealer's licensed place of business except that a motor vehicle dealer may have a temporary off-site sale or display of motor vehicles at a location other than the licensed place of business under certain conditions. KRS 190.030(1) authorizes the Motor Vehicle Commission to provide by administrative regulation for "other licensee activities and an appropriate fee". This administrative regulation establishes the application requirements for holding a temporary sale or display event.

Section 1. Definition. "Display" means:

1. A showing of a motor vehicle or vehicles with an intent to attract or further a sale of the motor vehicle or vehicles or similar motor vehicles offered by a motor vehicle dealer at a location in this state where no sale, transfer, or test drive takes place; or
2. Any showing of a motor vehicle at a location for more than forty-eight (48) hours.

Section 2. (1) A motor vehicle dealer shall not conduct or participate in a motor vehicle display event at any location other than the dealer's licensed place of business unless an Application for a Temporary Display Event is filed with the Motor Vehicle Commission and approved.

(2) The application for a Temporary Display Event shall be received a minimum of five (5) days prior to the next regularly-scheduled meeting of the commission held before the requested permit period.

(3) The temporary display permit application shall state:

- (a) The duration of the display which shall not exceed sixty (60) successive days;
- (b) The specific location of the temporary display event for which the permit is requested;
- (c) A complete list of all motor vehicle dealers participating in the temporary display event; and
- (d) Proof that the city, county, urban county or consolidated local government where the temporary display event is to occur has enacted an ordinance specifically allowing a motor vehicle dealer to conduct a motor vehicle temporary display event in its jurisdiction at a location other than the dealer's licensed place of business.

(4) A salesman shall not be present at a temporary display event at any time. If a salesman of the participating motor vehicle dealer is present at the temporary display event, the event shall be deemed a temporary sale event.

(5) The dealership name as stated on its license, the address of its established place of business and contact information shall be placed on or near the vehicle or vehicles on display.

Section 3. (1) A motor vehicle dealer shall not conduct or participate in a motor vehicle sale event at any location other than the dealer's licensed place of business unless an Application for a Temporary Sale Event is filed with the Motor Vehicle Commission and approved.

(2) The application for a Temporary Sale Event shall be received a minimum of forty-five (45) days prior to the temporary sale event.

(3) The temporary sale event application shall state:

- (a) The duration of the sale which shall not exceed five (5) successive days;
- (b) The specific location of the temporary sale event for which the permit is requested;
- (c) A complete list of all motor vehicle dealers participating in the temporary sale event;

(d) Proof that the city, county, urban county or consolidated local government where the temporary sale event is to occur has enacted an ordinance specifically allowing a motor vehicle dealer to conduct a motor vehicle temporary sale event in its jurisdiction at a location other than the dealer's licensed place of business;

(e) That the temporary sale event has been, is being, or will be advertised as being temporary in nature;

(f) That the temporary sale event shall include a representative sampling of the inventory of the participating dealer or dealers; and

(g) In the case of a sale of new motor vehicles:

1. That the sale location is not within a five (5) mile radius of the licensed location of a non-participating new motor vehicle dealer licensed to sell the same line make of motor vehicles as will be displayed at the temporary sale event; and

2. That the applicable franchisor or franchisors have approved or consented to the temporary sale event if consent is required.

Section 4. (1) At every temporary sale event each participating dealer shall display a sign easily visible from the street identifying his business using his business name as stated on his dealer's license and indicating the address of his established place of business as set forth in his dealer's license.

(2) If applicable local ordinance prohibits the signage, each dealer shall display allowable signage containing the same information and provide customers with business cards containing the information upon request.

Section 5. (1) All sales made at a temporary sale event shall be evidenced by a written sales document or purchase order containing the dealership's licensed name and address of the dealership's established place of business, the address of the temporary sale and the customer name, address and telephone number.

(2) The Documentation shall be retained for six (6) months after the sale and shall be made available to the Motor Vehicle Commission upon request.

Section 6. A certificate of title, and other documents if appropriate, shall be present at the temporary sale event location with respect to each motor vehicle offered for sale at the temporary sale event and shall be made available to purchasers as set forth in KRS 186A.220(5).

Section 7. (1) All individuals involved in attempting to make a sale as defined in KRS 190.010(25) at a temporary sale event shall possess a valid salesman's license issued by the Motor Vehicle Commission in the name of the participating dealer or dealers prior to the date of the temporary sale event.

(2) All salesmen participating in or present at a temporary sale event shall have their valid Kentucky license in their possession and available for display at all times during the event.

Section 8. A temporary sale event involving new motor vehicles shall not be allowed within a five (5) mile radius of the licensed location of a nonparticipating new motor vehicle dealer licensed to sell the same line make as will be displayed at the temporary sale event.

Section 9. (1) Unless good cause is shown by the applicant, temporary display events shall not be approved for the same location or the same jurisdiction unless there is at least a twenty-four (24) hour period between the end of the last temporary display event held by the applicant and the beginning of the next temporary display event to be held by the applicant.

(2) Unless good cause is shown by the applicant, temporary sale events shall not be approved for the same location or the same jurisdiction unless there is at least a thirty (30) day period between the end of the last temporary sale event held by the applicant and the beginning of the next temporary sale event to be held by the applicant.

Section 10. (1) The fee for a temporary sale event permit shall be \$500 per participating dealer and shall be paid when the application is submitted.

(2) If the application is only for a temporary display event, the fee shall be twenty-five (25) dollars.

Section 11. Incorporation by Reference. (1) "Application for Temporary Sale or Display Event", revised September 2008, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Motor Vehicle Commission, 105 Sea Hero Road, Suite 1, Frankfort, Kentucky 40601 Monday through Friday, 8 a.m., to 4:30 p.m. (30 Ky.R. 2247; Am. 2465; eff. 7-7-2004; 35 Ky.R. 1016; 1752; eff. 3-6-09.)